

REMARKS

In response to the Restriction Requirement mailed September 3, 2004, applicants hereby provisionally elect to prosecute the claims of Group IV. However, the Restriction Requirement is not believed to be well taken and is respectfully traversed.

Restriction Requirement**Group Election**

The Examiner has required restriction to one of the following groups of claims under 35 U.S.C. § 121:

- Group I. Claims 11-17, drawn to compounds wherein R₁ is phenyl, classified in class 546, subclass 234;
- Group II. Claim 18, drawn to compounds wherein R₁ is thienyl, classified in class 546, subclass 212;
- Group III. Claims 10, 55, and 62, remaining compounds, drawn to compounds wherein R₁ is another heteroaryl moiety, classified in various classes and subclasses depending upon species election;
- Group IV. Claims 28-33, drawn to indolylpiperidines, classified in class 546, subclass 201;
- Group V. Claims 63, and 68-70, drawn to methods of treating disorders selected from depression, anxiety, urge incontinence or obesity, classified in class 514, various subclasses, depending on species election.

The Examiner asserts that Groups I and II-IV are independent and distinct because the chemical structure of the different groups differ from each other in elements, chemical structure, and chemical properties, so as to not be recognized as a general class/subclass of compounds. The

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Respectfully submitted,

By


Jonathan P. Mitchell, Ph.D.

Registration No.: 50,239

DARBY & DARBY P.C.

P.O. Box 5257

New York, New York 10150-5257

(212) 527-7700

(212) 753-6237 (Fax)